



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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November 30, 2018

**VIA ECF**

Honorable Cheryl L. Pollak  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Martinez v. City of New York, et al., 1:16-cv-00079-AMD-CLP

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney representing defendants in the above-referenced matter.

During his deposition, non-party Danny Rivera testified that a black male was with him in his holding cell at the time he claims to have heard plaintiff screaming elsewhere in the precinct. Following a request from plaintiff, defendants have identified a black male who appears to have been in the holding cell with Danny Rivera for some period of time, specifically on the morning of January 23, 2015. Plaintiff has requested a copy of this individual's arrest report, desk appearance ticket ("DAT"), his Online Prisoner Arraignment ("OLPA"), and an unredacted version of the command log entry regarding his arrest.<sup>1</sup> Plaintiff has further requested documents, such as arrest reports (if any), DATs (if any), unredacted command log entries, OLPAs, and photographs (if any), concerning two other individuals who may have been present in the precinct at the same time as plaintiff.

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<sup>1</sup> Plaintiff has also requested a photograph of this individual however, upon information and belief, no photograph of him is in the possession, custody or control of the New York City Police Department.

However, upon information and belief, pursuant to N.Y.C.P.L. §§ 160.50 and 160.55, these particular documents are sealed. Therefore, without a court order unsealing this document, the New York City Police Department (“NYPD”) is statutorily prohibited from disclosing them.

Accordingly, defendants respectfully request that the Court So-Order the attached unsealing order. Plaintiff consents to this request.

Thank you for your consideration.

Respectfully,

/s/ Gavin Thadani

Kavin Thadani  
Senior Counsel  
Special Federal Litigation Division

Encl.

cc: **BY ECF**  
Gabriel Harvis, Esq.  
Baree Fett, Esq.  
*Attorneys for Plaintiff*